

AMENDMENTS TO THE DRAWINGS

The attached two "Replacement Sheets" (sheets 2/24 and 5/24) of drawings include changes to Figures 4 and 11. The two attached "Replacement Sheets," which include Figures 3-5 and 11, replace the two original sheets (sheets 2/24 and 5/24) including Figures 3-5 and 11.

REMARKS

Claims 85-91 and 93-107 are now pending in the application. Claims 85, 89, 96 and 102 are amended herein. Claim 92 is cancelled herein. New claim 107 is added herein. No new matter has been added. Paragraphs [0001], [0014], [0017], [0018], [0020], [0055] are amended herein. Support for the amendments to these paragraphs can be found at least in the drawings. The second occurrence of paragraph [0004] that appeared on page 9 of the originally filed application is changed to paragraph [0051.1].

The Examiner is respectfully thanked for the telephonic interview of December 14, 2004. During that interview, no exhibits were given and no demonstrations were conducted. An agreement was reached as to the allowability of all the claims in the application. Specifically, an agreement was reached that claims 85, 89 and 96, as amended herein, define patentable subject matter over the prior art of record. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

OATH/DECLARATION

In the Office Action, the existing Oath or Declaration is allegedly defective because Mr. Moores is now the sole, not joint, inventor. It is respectfully submitted, however, that pursuant to MPEP § 602.05(a), the existing Oath or Declaration is in compliance with 37 C.F.R. 1.67(a) and is not defective. Specifically, the MPEP states that "If an inventor named in a prior application is not an inventor in a continuation or divisional application filed under 37 C.F.R. 1.53(b), the continuation or divisional application may be either filed (1) with a copy of an oath or declaration from a prior application and a statement requesting the deletion of the name or names of the person

or persons who are not inventors of the invention being claimed in the continuation or divisional application.” Accordingly, it is respectfully submitted that, pursuant to MPEP § 602.05(a), the submission of the Correction of Inventorship Pursuant to 37 C.F.R. § 1.48(b), filed on August 31, 2004, is sufficient and that a new Oath or Declaration is not required. Accordingly, Applicant respectfully requests withdrawal of the requirement for a new Oath or Declaration.

INFORMATION DISCLOSURE STATEMENT

The four documents listed in the Office Action that were improperly identified due to a typographical error in the Information Disclosure Statement filed on April 15, 2004 should have been identified as:

2003/0010805	01/2003	Nelson et al.
2003/0012620	01/2003	O'Banion et al.
2002/0014516	02/2002	Nelson et al.
2002/0125297	09/2002	Stol et al.

The Examiner is thanked for her willingness to consider these references.

DRAWINGS

The drawings stand objected to for certain informalities. Figure 4 has been amended to include reference indicia 28, 30 and 40. Figure 11 has been amended to include reference indicia 50". Furthermore, the description of the drawings has been amended in the specification. Applicant respectfully submits that with the changes shown in the attached revised drawings and to the specification that the objection is now rendered moot and withdrawal of the instant rejection is requested.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

CLAIM OBJECTIONS

Claim 102 is objected to because of an informality. Applicant has amended the claim according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 85-87, 91-93, 96, 100, 101 and 105 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lautner et al. (German Pat. No. DE 308681). This rejection is respectfully traversed.

Claim 85 calls for "said finger members are substantially coplanar at said first end and twisted relative to one another at said second end." Claim 96 calls for "elastically deforming twisted portions of the fingers toward a coplanar alignment as the nail is driven through said framing members." It is respectfully submitted that neither the Lautner et al. reference nor the prior art of record discloses, teaches, or suggests the fingers being coplanar on one end and twisted relative to one another on the other end. Furthermore, with the prior art lacking this disclosure, teaching or suggestion, it is respectfully submitted that elastically deforming twisted portions of the fingers toward a coplanar alignment as the nail is driven through the framing members is also not disclosed, taught nor suggested. Accordingly, for at least these reasons it is respectfully submitted that claims 85 and 96 are patentable. Claims 86, 87, 91, 93, 100,

91, 93, 100, 101 and 105 all depend from one of claims 85 and 96 and, therefore, for at least the same reasons stated above with reference to claims 85 and 96 are also patentable over the prior art of record. Accordingly, withdrawal of the instant rejection is requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 88-90 and 97-99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautner et al. in view of Wollar et al. (U.S. Pat. No. 4,393,551). Claims 102-103 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautner. Claims 94-95, 104 and 106 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautner et al. in view of Wernhardt (U.S. Pat. No. 1,972,119). These rejections are respectfully traversed.

Claim 89 calls for "said first and second sets of teeth extend respectively along portions of said first and second finger members directly from said inner sidewalls. In contrast, the Lautner et al. reference discloses sets of teeth only on the outer sidewalls of the fastener disclosed therein. Furthermore, the Wollar et al. reference discloses sets of teeth that appear to be equally spaced apart around a cylindrical stem section. Thus, neither reference teaches having the sets of teeth extend directly from the inner side walls as called for. Accordingly, for at least this reason it is respectfully submitted that claim 89 is patentable over the prior art of record and withdrawal of the instant rejection is requested.

Claims 88, 90, 94, 95, 97-99, 102-104 and 106 all depend from one of claims 85 and 96. Claims 85 and 96 are patentable over the prior art of record for at least the reasons stated above. Accordingly, it is respectfully submitted that for at least these

same reasons, claims 88, 90, 94, 95, 97-99, 102-104 and 106 are also patentable over the prior art of record. Thus, withdrawal of the instant rejection is requested.

NEW CLAIM

New claim 107 depends from claim 96. Claim 96 is patentable over the prior art of record for at least the reason stated above. Accordingly, it is respectfully submitted that for at least this same reason, claim 107 is also patentable over the prior art of record and allowance of claim 107 is requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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